

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated March 10, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 and 15-24 are pending in the Application. Claim 14 is canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claims 23-24 are added by this amendment.

In the Office Action, claims 1, 2, 5-7, 9-11, 13-15, 17 and 18 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,633,651 to Hirzalla ("Hirzalla") in view of U.S. Patent Publication No. 2008/0092168 to Logan ("Logan"). Claim 8 is rejected under 35 U.S.C. §103(a) over Hirzalla in view of Logan in view of U.S. Patent No. 5,436,653 to Ellis ("Ellis"). Claims 16, 19, 21 and 22 are rejected under 35 U.S.C. §103(a) over Hirzalla in view of Logan in further view of U.S. Patent No. 7,103,222 to Peker ("Peker"). Claims 3, 4, 12 and 20 are rejected under 35 U.S.C. §103(a) over Hirzalla in view of Logan in view Peker in further view of U.S.

Patent No. 6,29,817 to Ahmad ("Ahmad"). The rejection of claims 1-13 and 15-24 is respectfully traversed. It is respectfully submitted that claims 1-13 and 15-24 are allowable over Hirzalla in view of Logan alone and in view of any combination of Ellis, Peker and Ahmad for at least the following reasons.

It is undisputed that Hirzalla fails to disclose or suggest "a scene defining processor ..." (See, Office Acton, page 3.) Logan is relied on to supply that which is missing from Hirzalla, however, it is respectfully submitted that reliance on Logan is misplaced.

Logan shows a system for using metadata to selectively record and playback desired programming. While it is true that Logan states that "the incoming broadcast signals are parsed or subdivided into logically separate segments, which need not be contiguous and which may be overlapping" (see, Logan, paragraph [0047]), yet Logan does not disclose or suggest adjusting the amount of overlap between the segments.

The Office Action cites Logan, paragraph [0158] for allegedly showing this feature, however, it is respectfully submitted that reliance on this portion of Logan or any portion for that matter is misplaced.

Logan, paragraph [0158] states in its entirety (emphasis added):

For rolling content or linear content, detecting the type of music playing might be useful. In many cases, music is used to highlight the "essence" of a movie. In many movies, a characteristic type of music played during each action scene or love scene, for instance. Metadata based on the type and location of this background music could be used to classify areas of content into different moods or types of content such as love scenes, action scenes, etc. A user could use this information to just play back these portions of the content.

Accordingly, while Logan does disclose classifying content based on music portion, as should be clear, Logan does not adjust an amount of overlap between overlapping intervals based on a characteristic of the video. In fact, it is respectfully submitted that nowhere within the four corners of Logan is this feature taught, disclosed or suggested.

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Hirzalla in view of Logan. For example, Hirzalla in view of Logan does not teach, disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "a scene defining processor that defines overlapping scene intervals"

including a time spacing between beginnings of overlapping scene intervals in the at least one video stream, wherein the time spacing between the beginnings of overlapping scene intervals is selected based on a characteristic of the at least one video stream; a selector that selects a scene signature which is descriptive of video content of a scene a user wants to view; a comparator that compares the selected scene signature with scene signatures of the stored at least one video stream to identify one or more scenes whose scene signature is similar to the selected scene signature; and a player that plays the at least one scene whose scene signature is identified as similar to the selected scene signature" as recited in claim 1, and as similarly recited in claim 17. Neither of Hirzalla nor Logan show adjusting a spacing between overlapping scenes. Each of Ellis, Peker and Ahmad are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Hirzalla in view of Logan.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 17 are patentable over Hirzalla in view of Logan and notice to this effect is earnestly solicited. Claims 2-13, 15-16 and 18-24 respectively depend from one of claims

1 and 17 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

For example, Hirzalla in view of Logan does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "the scene defining processor selects the spacing between a beginning of each of the overlapping scene intervals based on an amount of activity occurring in the at least one video stream" as recited in claim 15, nor "wherein the scene defining processor selects the spacing between a beginning of each of the overlapping scene intervals such that an action video has shorter and more closely overlapped scene intervals than a video of a slower cinematic genre" as recited in claim 23, and as similarly recited in claim 24.

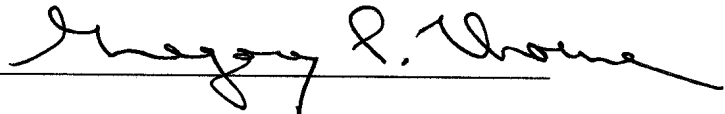
Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
June 10, 2009

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101